

**RECORD OF PROCEEDINGS  
OF THE GOVERNING BODY  
CITY OF GARDNER, KANSAS**

Page No. 2006-004

January 17, 2006

The City Council of the City of Gardner, Kansas, met in regular session on Tuesday, January 17, 2006, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Honorable Mayor, Carol Lehman presiding. Present were Councilmembers Weisenburger, Breen, Peters, and Drovetta, with Councilmember Raney being absent. City Staff present were City Administrator Fairburn, Assistant Administrator Mundt, Finance Director Gourley, Public Works Director Greene, Public Safety Director Francis, HR Director/City Clerk Scott, Parks and Recreation Director Stewart, Community Development Director Sherman, and City Attorney Hubbard. Others present included David Francq, Ed and Janice James, Greg Kindle, John Keely, Randy Willbanks, Jim Sherman, and Albert Rukwaro.

**CALL TO ORDER**

There being a quorum of Councilmembers present, the meeting was called to order by Mayor Lehman at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Councilmember Drovetta led those in attendance in the pledge of allegiance.

**PRESENTATION**

Councilmembers joined with the Mayor in recognizing Dan Hauser, Erik Pollom, Fred Sherman, James Sherman, Jeff Stewart, and David Greene for their attendance during 2005.

**CONSENT AGENDA**

Mayor Lehman requested that Item 6. "Consider approving a legislative agenda for 2006 to assist Council and staff in pursuing legislative policies." be removed from the consent agenda.

Councilmember Weisenburger made a motion to approve the following items with the exception of item 6 as listed on the consent agenda:

1. Standing approval of the minutes as written for the regular meeting on January 3, 2006.
2. Standing approval of the expenditures prepared on December 29 and 30, 2005 in the amount of \$871,322.73.
3. Consider approving a license to retail Cereal Malt Beverages in 2006 for Wheat State Pizza, Inc.
4. Consider authorizing the destruction of certain records in accordance with K.S.A. 120 and state retention guidelines.
5. Consider authorizing the execution of the Letter of Understanding with Johnson County Human Services & Aging for participation in the Utility Assistance program for the year 2006.
- ~~6. Consider approving a legislative agenda for 2006 to assist Council and staff in pursuing legislative policies.~~
7. Consider authorization of the 2006 payment to Southwest Johnson County Economic Development Corporation.
8. Consider authorization of the 2006 payment to Johnson County Fire District No. 1.
9. Consider authorizing the City Administrator to extend the overhead power line construction contract with Capital Electric Line Builders through 2006.
10. Consider authorizing the City Administrator to extend the electric distribution material supply contract with Hughes Supply Company through the 2006 Calendar Year.
11. Consider authorizing staff to execute a work order for Capital Electric to install the underground electric distribution system for the St. John's Highlands subdivision.
12. Consider authorizing staff to execute a work order for Capital Electric to install the underground electric distribution system for the Plum Creek IV subdivision.
13. Consider the Acceptance of Easements and Rights-of-Way for the final Plat of Willow Brooke Estates IV; FP-06-02.
14. Consider the Acceptance of Easements and Rights-of-Way for the Final Plat for The Reserve at Waverly Pointe, First Plat; FP-06-03.

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**CONSENT AGENDA (Continued)**

15. Consider approval of a purchase of a 2004 Ford Explorer.  
Councilmember Peters seconded the motion.

All of the members present voting in favor of the motion,  
the motion carried.

**LEGISLATIVE AGENDA**

Councilmembers considered a proposed legislative agenda for 2006. Mayor Lehman council consider removing Item 9 "Ordinance Publication Requirements" from the state issues agenda due to the number of people who read only the paper and her concern that this would take away that method of communication. Councilmember Peters asked how much was spent annually on publications and what the circulation of the paper was. Councilmember Drovetta stated this was not a big point on the agenda for him; he was not passionate one way or the other. Councilmember Breen stated his opinion that ordinances should be published until such time as they were on the website even if legislation passed.

Councilmember Weisenburger made a motion to approve removing Item 9 from the state issues legislative agenda. Councilmember Drovetta seconded the motion.

All of the members present voting in favor of the motion,  
the motion carried.

**HOUSING REHABILITATION**

Councilmember Peters made a motion to consider a resolution supporting the rehabilitation of multi-family residential housing located at 223 S. Bedford Street for the purpose of providing moderate income rental housing. Councilmember Breen seconded the motion.

On roll call, the vote was: Peters, yes; Breen, yes; Drovetta, yes; and Weisenburger, yes. All of the members present voting in favor of the motion, the resolution was adopted and assigned No. 1692.

**KMEA MANAGEMENT PROJECT AGREEMENT**

Councilmember Peters made a motion to consider a resolution authorizing the Mayor to execute an Energy Management Project Agreement with the Kansas Municipal Energy Agency. Councilmember Drovetta seconded the motion.

On roll call, the vote was: Peters, yes; Drovetta, yes; Weisenburger, yes; and Breen, yes. All of the members present voting in favor of the motion, the resolution was adopted and assigned No. 1693.

**KANSAS PUBLIC WATER SUPPLY**

Councilmember Weisenburger made a motion to consider an ordinance authorizing the execution of a loan agreement between the City of Gardner, Kansas and the State of Kansas, acting by and through the Kansas Department of Health and Environment for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund. Councilmember Drovetta seconded the motion.

On roll call, the vote was: Weisenburger, yes; Drovetta, yes; Breen, yes; and Peters, yes. All of the members

present voting in favor of the motion, the ordinance was passed and assigned No. 2182.

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**TAX EXEMPTION FOR AD VALOREM TAXES**

Councilmember Peters made a motion to consider an ordinance granting an exemption from ad valorem taxes for a facility used to store goods sold or traded in interstate commerce to be located in the City of Gardner, Kansas, and acquired and constructed by Creative Associates, Inc. (DBA Patriot Products, Inc.), all in accordance with Article 11, Section 13, of the Kansas Constitution. Councilmember Drovetta seconded the motion.

On roll call, the vote was: Peters, yes; Drovetta, yes; Weisenburger, yes; and Breen, yes. All of the members present voting in favor of the motion, the ordinance was passed and assigned No. 2183.

**NATURAL GAS FRANCHISE**

Councilmember Drovetta made a motion to consider an ordinance accepting a natural gas franchise contract between Kansas Gas Service, a division of ONEOK, Inc. and the City of Gardner, Kansas. Councilmember Peters seconded the motion.

On roll call, the vote was: Drovetta, yes; Peters, yes; Breen, yes; and Weisenburger, yes. All of the members present voting in favor of the motion, the ordinance was passed and assigned No. 2184.

**NATURAL GAS FRANCHISE**

Councilmember Peters made a motion to consider an ordinance accepting a natural gas franchise contract between Atmos Energy Corporation and the City of Gardner, Kansas. Councilmember Breen seconded the motion.

On roll call, the vote was: Peters, yes; Breen, yes; Drovetta, yes; and Weisenburger, yes. All of the members present voting in favor of the motion, the ordinance was passed and assigned No. 2185.

There being no further business to come before the Council, on a motion duly made and seconded, the meeting adjourned at 7:35 p.m.

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Gwen Scott, HR Director / City Clerk